

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held

JANUARY 9,

20 17

The meeting of the Council of the Village of Chagrin Falls was called to order at 7:00 p.m. by Mr. Maersch.

Member present: Berkobein, Lutz, Maersch, Mitchell, Newell, Rogoff
 Members absent: None
 Officials present: Mayor Tomko, Bloom, Himes, Markowitz, Zusan, Dacek, Lannon

APPROVAL OF MINUTES

Moved by Mr. Newell, seconded by Mr. Mitchell that the minutes of the meeting held December 12, 2016 be approved. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None.

Moved by Mr. Newell, seconded by Ms. Rogoff that the minutes of the organizational meeting held January 2, 2017 be approved. Carried. Ayes: Berkobein, Maersch, Mitchell, Newell, Rogoff. Abstain: Lutz. Nays: None.

REPORT OF THE MAYOR

Mayor Tomko summarized the 2016 Annual Report.

REPORT OF THE FINANCE DIRECTOR

No report.

MEMBERS OF THE PUBLIC TO SPEAK TO AGENDA ITEMS (NOT TO EXCEED TWO (2) MINUTES PER PERSON)

None.

REPORT OF THE LAW DIRECTOR

Mr. Markowitz reported that there is one lawsuit pending for the village, the Meldon Case at 291 North Main Street. He gave an overview of the pending case.

Mr. Markowitz reported that the village was provided with a referendum petition that was filed on two different dates in December by some circulators who wanted to place on the ballot in May the change that we made in the zoning code where we eliminated multi-family uses in the RMU. He said he has determined that the petitions were not validly filed and that Dave Bloom, as the Clerk of Council, has no duty to forward those petitions to the Board of Elections. There was lengthy discussion.

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Moved by Mr. Maersch that notwithstanding the fact that the Law Director concluded that the recent petition filed on the residential mixed use property, a zoning requirement, did not meet state law that we ask Mr. Bloom to certify those petitions to the Board of Elections. The motion failed due to the lack of a second to the motion.

ZONING CODE AMENDED

Mr. Markowitz placed on the floor Ordinance No. 2016-75 entitled:

AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF CHAGRIN FALLS AND AMENDING SECTIONS 1107.22 AND 1111.07 AND PROVIDING FOR USE VARIANCES WHEN AN UNNECESSARY HARDSHIP EXISTS.

Mr. Maersch said this will remain on readings. Mr. Markowitz announced a public hearing for Monday, January 23, 2017.

CODIFIED ORDINANCES AMENDED

Mr. Markowitz placed on the floor Ordinance No. 2016-76 entitled:

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 111.03 REGARDING AGENDAS FOR COUNCIL MEETINGS.

Mr. Maersch said this will remain on readings.

ZONING CODE AMENDED

Mr. Markowitz placed on the floor Ordinance No. 2016-78 entitled:

AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF CHAGRIN FALLS AND AMENDING SECTION 1125.04 REGARDING ACCESSORY BUILDINGS AND STRUCTURES.

Mr. Maersch said this will remain on readings. Mr. Markowitz announced a public hearing for Monday, January 23, 2017. Ms. Rogoff explained the amendments, comments were heard, and questions were answered.

Chelsea Whitman-Rush, 49 West Washington Street, said she finds the playground requirements a little bit strange and she takes issue with the fact that the village would oversee such a thing because this is often something that a Homeowners Association would do.

Todd Goldstein, 49 West Washington Street, said people's private property is private property and a playground is something you do with your family and it is not necessary for Council to enforce how you have a playground around your house. You don't want to start adding restrictions

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because restrictions force people out.

Ms. Rogoff said this is for a very large piece of play equipment; 5' x 10' and 6' high is a large piece of play equipment. It isn't really any different from somebody having a garden shed or some sort of storage shed in their back yard that would be treated the same. It has to be a large piece of play equipment before it is regulated.

Mr. Himes said when it reaches that size it triggers the setback requirements. The first sentence says play equipment shall be located only in side and rear yards so that regulates all play equipment. Then it goes on to regulate the larger ones with the setbacks.

STREETS AND SIDEWALKS COMMITTEE

Mr. Berkobein reported that last week the initial questionnaires were sent out to 62 houses on Walters Road and Hickory Hill regarding potential sidewalks.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

Ms. Rogoff announced a meeting for Monday, January 16, 2017 at 7:30 p.m.

SAFETY COMMITTEE

No report.

UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

Mr. Maersch announced a meeting for Tuesday, January 24, 2017 at 8:00 p.m.

ADMINISTRATION AND COMPENSATION COMMITTEE

No report.

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FINANCE COMMITTEE

Mr. Maersch acknowledged receipt of the summary of the financial statements for the year ending December 31, 2016.

PARKS COMMISSION / SHADE TREE COMMISSION

Mrs. Lutz reported that the Parks Commission and the Shade Tree Commission are jointly working on the proposed path from the Ben King Arboretum to the bridge at Spillway.

ARTS COMMISSION

Ms. Rogoff announced a meeting for Monday, January 16, 2017 at 6:00 p.m.

PARKING COMMISSION

Mr. Newell announced a meeting for January 11, 2017 at 6:00 p.m. at the Township Hall.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

Mr. Himes reported that the service department will be picking up Christmas trees again on January 16, 2017, weather permitting, and will continue through the month if they are unable to get them due to snow.

REPORT OF THE ENGINEER

No report.

REPORT OF THE POLICE CHIEF

Chief Dacek explained how parking tickets are processed manually at present time and how they would like to implement new software that takes the manual part out.

Moved by Mr. Maersch, seconded by Mr. Mitchell that we enter a resolution authorizing the Mayor to solicit bids for parking violations software. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None.

Chief Dacek recommended that they make West Cottage Street resident permit parking only as soon as possible. The problem is that most of the properties on West Cottage Street don't have driveways so the residents park on the street. What is happening now is that the people coming into town to go to restaurants are parking on West Cottage Street. This also becomes a safety hazard for emergency vehicles such as fire trucks and ambulances.

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Mr. Maersch said we will refer this to the Parking Commission.

REPORT OF THE FIRE CHIEF

No report.

MEMBERS OF THE PUBLIC TO SPEAK TO ANY MATTER (NOT TO EXCEED FIVE (5) MINUTES)

None.

MISCELLANEOUS

Mr. Maersch announced a special Council meeting for Thursday, January 12, 2017 at 7:00 p.m.

ADJOURNMENT

Mr. Maersch adjourned the meeting at 8:01 p.m.

President of Council

Clerk of Council